

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA)	
)	
v.)	Case No. 1:13CR350-LMB-14
)	
DEVANTE JORDAN,)	
a/k/a "TREY")	The Honorable Leonie M. Brinkema
)	
Defendant.)	

GOVERNMENT'S SENTENCING POSITION

COMES NOW the United States of America, by its Acting United States Attorney for the Eastern District of Virginia, Dana J. Boente, and his Assistant United States Attorneys, Adam B. Schwartz and Dennis M. Fitzpatrick, and files its Sentencing Position in the above-captioned matter.

Procedural History

On September 26, 2013, the defendant, Devante Jordan, was charged in a superseding indictment with his participation in two violent incidents. The first event was an armed robbery of a marijuana dealer in Manassas, Virginia that occurred on April 30, 2012. The second was the robbery-gone-bad of a marijuana grower that resulted in a shooting in Forest Heights, Maryland on June 9, 2013. The defendant pled guilty to conspiracy to commit Hobbs Act robbery and discharging a weapon during a crime of violence on January 14, 2014, in accordance with the terms of a written plea agreement. Sentencing is scheduled for March 27, 2014, before this Court.

Sentencing Position of the United States

The United States has no objections, corrections, or amendments to the Presentence

Report (PSR). The United States agrees with the calculation of the Advisory Guideline range in the PSR and Worksheet Attachments, and concurs with awarding a three-level reduction for acceptance of responsibility. The probation officer has correctly determined that this defendant's base offense level is Level 23, and that the defendant's Criminal History category is III, resulting in a guideline range of 177 to 191 months' incarceration, with a period of 2 to 5 years of supervised release to follow.¹ The United States recommends a sentence of 180 months of imprisonment and seeks restitution of \$1,127.16.

When sentencing a defendant, a district court must consider the advisory guideline range and other relevant sentencing factors as outlined in 18 U.S.C. §3553(a)(2005). See United States v. Hughes, 401 F.3D 540 (4th Cir. 2005). These factors include the need for the sentence imposed:

- (A) to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense;
- (B) to afford adequate deterrence to criminal conduct;
- (C) to protect the public from further crimes of the defendant; and
- (D) to provide the defendant with needed educational or vocational training; medical care, or other correctional treatment in the most effective manner.

18 U.S.C. §3553(a).

¹ The defendant disputes his criminal history category. Were the Court to rule in the defendant's favor, his criminal history category would become II and the revised sentencing range would be 171 to 183 months.

The factors also include “the need to avoid unwarranted sentence disparities among defendants with similar records found guilty of similar conduct.” 18 U.S.C. §3553(a)(6).

The defendant’s sentencing hearing will effectively end what could be fairly characterized as his spree of armed offenses. The defendant is being sentenced for a robbery on April 30, 2012, in which Mr. Jordan personally wielded a firearm in order to rob a marijuana dealer that was lured to a parking lot by his fellow gang members. As contained in the statement of facts filed at the time of his plea, Mr. Jordan also participated in an armed robbery on July 22, 2012, in the District of Columbia. He was convicted of that offense and incarcerated for six months.

The defendant was released from prison and quickly resumed his gang association and his participation in armed robberies while on probation. The short sentence and suspended jail time he received from the District of Columbia does not appear to have deterred Mr. Jordan in the slightest. On June 5, 2013, the defendant was involved in an armed home invasion in Washington, D.C. over a poor tattoo his sister received, as the PSR reports in paragraph 78. A firearm was involved in that offense. The defendant was not, however, immediately arrested for this June 5 offense and on June 9, 2013, he participated in the robbery of the marijuana grower in Forest Heights, Maryland. That robbery resulted in the victim being shot twice and hospitalized for over a month. The victim has submitted a request for \$1,127.16 in restitution to cover medical expenses. On June 27, 2013, the defendant was arrested for the June 5 offense. He resolved that case in the District of Columbia with a very favorable plea to three misdemeanors because the victim was not fully cooperative. The defendant was sentenced to eight months of incarceration and transported to the Eastern District of Virginia to face the superceding indictment pending against him.

The defendant has fully demonstrated he is a danger to the community. Neither a period of incarceration nor court supervision has deterred him from participating in armed robberies. His crimes have now led to someone being seriously injured. The scope of the defendant's criminal conduct and his gang affiliation fully warrant a sentence of 180 months.

Conclusion

For all of the foregoing reasons, the United States respectfully asks that, after considering the appropriate guideline range, and all of the sentencing factors set forth in 18 U.S.C. § 3553(a), this Court sentence the defendant to 180 months of incarceration, to be followed by a term of supervised release.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on March 24, 2014, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to counsel of record for the defendant. The United States will also provide a copy of the foregoing to the United States Probation Officer via e-mail.

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